

# **EXHIBIT P**

**Gibson, Diane L.**

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**From:** Gibson, Diane L.  
**Sent:** Monday, May 07, 2007 1:44 PM  
**To:** 'joe@caufieldjames.com'  
**Cc:** Henderson, Suzanne  
**Subject:** Motion to Compel

Dear Mr. Rosettie:

In response to your below email, SSD is not willing to agree to respond to your motion (which we still have not seen) within 4 business days, as you propose. As you point out, your office has had weeks to prepare the motion that you apparently plan to file tomorrow. You have provided no reasoning why your motion could not have been prepared more promptly, to avoid prejudice to SSD, a third party. Your office has obviously been aware of the discovery deadlines in the underlying action throughout the relevant period, but you chose to use the lion's share of the available time to prepare your motion, rather than propose a fair briefing schedule to SSD.

Due to your demand for a quick turnaround on your proposal as to the briefing schedule, we are not responding to the purported statements of fact in your below email. Such silence should not be taken as agreement.

Sincerely,

Diane L. Gibson  
Partner  
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**From:** Joe Rosettie [mailto:[Joe@caufieldjames.com](mailto:Joe@caufieldjames.com)]  
**Sent:** Monday, May 07, 2007 11:59 AM  
**To:** Gibson, Diane L.  
**Cc:** Amber Hinojosa; Jeff Caufield  
**Subject:** Stipulated Proposal

Ms. Gibson—

As you know we have been in disagreement regarding specific documents withheld by SSD. It is our position that these documents (or parts therein) fall squarely within the Court's Order. We sent you a meet and confer letter on April 12, 2007. In part, we argued that the documents

1. are responsive to the Court's Order; and
2. the facts contained in the documents (lists documents received or transmitted) are not privileged.

Moreover, we put you on notice by stating: "*Angeles demands that documents be produced in accordance with the Court Order immediately. If SSD continues to act in concert to suppress responsive documents, Angeles will seek ex parte relief from Magistrate Judge Laporte and seek sanctions for such conduct.*"

In response to our meet and confer, no further documents were produced. Further, there were **no substantive changes** made to SSD's final privilege log submitted on April 19, 2007. In other words, no further explanation could be give for withholding these documents.

On or around April 19, 2007, you again spoke to Mr. Caufield. It is my understanding that the parties could not come to agreement on any settlement. Thereafter, Mr. Caufield again put you on notice that Angeles would be filing *ex parte* to seek relief.

It is of the utmost importance that we reach closure on these issues. The facts contained in the documents withheld are paramount to the underlying litigation. For various reasons, there has been substantial delay in retrieving these documents. As you know, Angeles has been seeking these documents since October 2006. Now, Angeles faces another discovery deadline. The new discovery cut-off is June 11, 2007. Obviously, a regularly scheduled motion would further prejudice Angeles.

Today at 11:00 am we talked about reaching a proposed stipulation in order to have the Court hear the disagreement under LR 6-3. I had mentioned that we be open to a deadline somewhere between 7-14 days. With the upcoming CMO deadlines, here is our proposal for dates.

Angeles submits our brief to you by tomorrow May 8 at 5pm.

SSD submits a response by Monday May 14 at 5pm.

Angeles submits a reply by Wednesday May 16 at 5pm.

These dates are the maximum briefing schedule that we can allow given the CMO deadlines. By the time, further documents are produced (if they have to be redacted, etc) we need some time to follow up with additional discovery requests with McKesson and third parties. Please let us know by 3pm today if the schedule is acceptable to you.

Thank you,

**Joseph Rossettie, Esq.**  
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